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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Anke Gerda Sinnema

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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BRIARCLIFF MANOR, NY 10510

EXAMINER

DEXTER, CLARK F

ART UNIT

PAPER NUMBER

3724

MAIL DATE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/559,360	Applicant(s) SINNEMA ET AL.	
	Examiner Clark F. Dexter	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 13 and 23-38 is/are pending in the application.
- 4a) Of the above claim(s) 23-38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 July 2008 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment filed on January 7, 2009 has been entered.

Drawings

2. The drawings were received on July 3, 2008. These drawings stand as acceptable-in-part as follows:

the replacement page for Figure 4 stands as acceptable;

the replacement pages for Figures 9-12 stand as being considered to be new matter and are NOT acceptable.

3. The drawings stand objected to because of the following informalities:

New Figures 9-12 stand as being considered to be new matter and should be canceled.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering

of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings stand objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the at least one spiral-shaped ridge (claim 4), the at least one star-shaped ridge (claim 4), the at least one flower-shaped ridge (claim 4), and a pattern of dimples (claim 5) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application as described above.

Specification

5. The amendment filed December 17, 2007 stands objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

The new paragraphs added after page 2, line 32 and found on page 2 of the subject amendment; and

The replacement paragraph for the paragraph beginning at page 4, line 19 of the specification and found on page 3 of the subject amendment.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-3 and 13 stand rejected under 35 U.S.C. 102(e) as being anticipated by Visman et al., Pub. No. 2003/0019107 (hereafter Visman '107).

Regarding claims 1-3, Visman '107 discloses a shaving apparatus with every structural limitation of the claimed invention including:

a skin contact surface (e.g., the upper surfaces of holder 2 as viewed in Fig. 1) accommodating at least one cutting unit (e.g., 3) that comprises an external cutting member (e.g., 4), a matching internal cutting member (e.g., 6, 7), and a device for providing a shaving aid additive to said skin contacting surface, characterized by shaving aid additive retaining means (e.g., the component shown directly below the actual numerals 11, 12 as viewed in Fig. 2) provided on at least part of said skin contact

surface, wherein the shaving aid additive is one of a liquid, a gel, a foam, a cream, a water-soluble hard material;

[claim 2] wherein said at least one cutting unit is of the rotary type comprising an external annular cutting member, and wherein first shaving aid additive retaining means are provided on the skin contact surface enclosed by the external cutting member of the at least one cutting unit (e.g., as viewed in Fig. 2);

[claim 3 (from 2)] wherein the first shaving aid additive retaining means comprise at least one ridge extending around the center of the skin contact surface enclosed by the annular cutting member of the at least one cutting unit (e.g., as shown in Fig. 2).

Regarding claim 13, Visman '107 discloses a cutting unit of the rotary type, said cutting unit having an external annular cutting member (e.g., 4) and a skin contact surface (e.g., the surface directly below the actual numerals 11, 12 as viewed in Fig. 2) enclosed by the external contact member, wherein said enclosed skin contact surface is provided with shaving aid additive retaining means (e.g., the concentric ridge shown in Fig. 2).

8. Claims 1-5 and 13 stand rejected under 35 U.S.C. 102(e) as being anticipated by Geertsma et al., Pub. No. 2002/0083591 (hereafter Geertsma '591).

Regarding claims 1-5, Geertsma '591 discloses a shaving apparatus with every structural limitation of the claimed invention including:

a skin contact surface (e.g., the upper surfaces of holder 2 as viewed in Fig. 1) accommodating at least one cutting unit (e.g., 3) that comprises an external cutting member (e.g., 4), a matching internal cutting member (e.g., 6, 7), and a device for

providing a shaving aid additive to said skin contacting surface, characterized by shaving aid additive retaining means (e.g., 9, 10) provided on at least part of said skin contact surface, wherein the shaving aid additive is one of a liquid, a gel, a foam, a cream, a water-soluble hard material;

[claim 2] wherein said at least one cutting unit is of the rotary type comprising an external annular cutting member, and wherein first shaving aid additive retaining means are provided on the skin contact surface enclosed by the external cutting member of the at least one cutting unit (e.g., as viewed in Fig. 2);

[claim 3 (from 2)] wherein the first shaving aid additive retaining means comprise at least one ridge extending around the center of the skin contact surface enclosed by the annular cutting member of the at least one cutting unit (e.g., as shown in Fig. 2);

[claim 4 (from 3)] wherein said at least one ridge comprises at least one of the following configurations:

- a) a number of concentric ridges,
- b) a spiral-shaped pattern of ridges,
- c) a star-shaped pattern of ridges,
- d) a flower-shaped pattern of ridges (e.g., feature 9 with features 10 are considered to broadly meet at least items c and/or d);

[claim 5 (from 2)] wherein the first shaving aid additive retaining means (e.g., 9, 10) include a pattern of dimples (e.g., 10) in at least part of the skin contact surface.

Regarding claim 13, Geertsma '591 discloses a cutting unit of the rotary type, said cutting unit having an external annular cutting member (e.g., 4) and a skin contact

surface (e.g., the surface of 9, 10) enclosed by the external contact member, wherein said enclosed skin contact surface is provided with shaving aid additive retaining means (e.g., the concentric ridge of 9 shown in Fig. 2 and/or features 10).

Response to Arguments

9. Applicant's arguments filed January 7, 2009 have been fully considered but they are not persuasive.

In the paragraph bridging pages 7-8 of the subject response that:

The Applicants respectfully submit that the original description of possible surface patterns in the Specification encompasses the patterns presented in Figs. 9-12. The Examiner's own interpretation of Figs. 9-12 as "specific patterns" supports this interpretation, as the original description of "a spiral-shaped pattern of ridges," for example, encompasses a broad variety of spiral-shaped patterns, including, but not limited to, the specific pattern illustrated in Fig. 9. Moreover, the originally submitted claim 4 also supports Fig. 9 by reciting "at least one spiral-shaped ridge." Thus, the pattern of Fig. 9 is not new matter because it is encompassed by the original disclosure. The same logic applies equally to Figs. 10-12.

The Examiner respectfully disagrees with applicant's analysis. The test for new matter is not whether the subject matter is generally supported in the original disclosure, but whether the subject matter has specific support in the original disclosure. The Examiner respectfully maintains that the original disclosure only includes a name or brief description of the patterns and does not fully disclose sufficient details of the patterns to only arrive at those very specific patterns submitted in the proposed drawings.

In the section bridging pages 8-9 of the specification, applicant argues that the subject matter added to the specification is not new matter. The Examiner respectfully disagrees with applicant's position and maintains his position for at least the reasons described above.

In the paragraph bridging pages 10-11, applicant argues that:

None of the above mentioned numerals in Visman teach or suggest "a device for providing a shaving aid additive to said skin contact surface, characterized by shaving aid additive retaining means provided on at least part of said skin contact surface, wherein the shaving aid additive is one of a liquid, a gel, a foam, a cream, a water-soluble hard material," as recited in claim 1.

However, the Examiner respectfully disagrees with applicant's analysis. Clearly, the disc-shaped component located below numerals 11 and 12, which is unnumbered, meets the limitation of shaving aid additive retaining means, particularly since the disc-shaped component of Visman has substantially the same disc-shaped structure as the corresponding structure of the present application and has at least one ridge (claim 2).

In the second paragraph on page 11 of the subject response, applicant argues:

While the Examiner is correct that a shaving aid per se is not set forth in the claimed invention, "a device for providing a shaving aid additive to said skin contact surface" is recited in claim 1. Visman describes no such device.

The Examiner respectfully disagrees with applicant's position. The claim limitation reads "a device for providing a shaving aid additive to said skin contact surface, characterized by shaving aid additive retaining means provided on at least part of said skin contact surface." It is respectfully submitted that the above-discussed disc-shaped component of the prior art meets the limitation "shaving aid additive retaining

means provided on at least part of said skin contact surface,” and thus the prior art meets the entire limitation.

Further, it is respectfully submitted that Geertsma meets the claim in substantially the same manner, and thus the Examiner's position translates to that prior art rejection as well.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can normally be reached on Mondays, Tuesdays, Thursdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571)272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Clark F. Dexter/
Primary Examiner, Art Unit 3724**

cfd
March 17, 2009